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7 IN THE UNITED STATES DISTRICT COURT
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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 RAEKUBIAN BARROW,) No. C 14-5340 JSW (PR)
12 Petitioner,)
13 vs.) **ORDER OF DISMISSAL; GRANTING
14 LINDA PERSONS,) LEAVE TO PROCEED IN FORMA
15 Respondent.) PAUPERIS**
16 _____)) (Dkt. 2)
17

18 Petitioner, a state prisoner currently, has filed a petition for a writ of habeas
19 corpus pursuant to 28 U.S.C. § 2254 challenging his state court conviction and sentence.
20 Petitioner has challenged the same conviction and sentence in a prior federal habeas
21 petition, which was denied on its merits. *See Barrow v. Gonzales*, Case No. C 10-1521
JSW (PR).

22 A second or successive petition challenging the same state court judgment may
23 not be filed in federal district court unless Petitioner first obtains from the Ninth Circuit
24 an order authorizing this Court to consider the petition. *See 28 U.S.C. § 2244(b)(3)(A)*.
25 Petitioner has not sought or obtained such an order. The petition is accordingly
26 DISMISSED without prejudice to refiling if Petitioner obtains the necessary order.

27 Rule 11(a) of the Rules Governing Section 2254 Cases requires a district court to
28 rule on whether a Petitioner is entitled to a certificate of appealability in the same order

1 in which the petition is decided. Petitioner has failed to make a substantial showing that
2 a reasonable jurist would find this Court's denial of his claim on procedural grounds
3 debatable or wrong. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Consequently,
4 no certificate of appealability is warranted in this case.

5 The application to proceed in forma pauperis is GRANTED.

6 The Clerk shall enter judgment and close the file.

7 IT IS SO ORDERED.

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9 DATED: December 17, 2014


10 JEFFREY S. WHITE
11 United States District Judge